

JUSTIFICATION FOR EXCEPTION TO FULL AND OPEN COMPETITION

Department Contact Information	
Contact Name: Susan Walker	Telephone: (213) 922-7464

1. **Description of the supplies or services required – Include or attach all identifying information including available spec. sheets, part numbers etc.**

Metro is seeking to purchase safe and real time portable Mass Transit Detection at Range technology that is able to detect items underneath clothing of rail/bus patrons coming down an escalator landing or similar channeled areas. This device will allow law enforcement agents and Metro Security to screen rail/bus patrons without disrupting flow of foot traffic and to take decisive, pre-emptive action if suspicious items are seen.

Details and specifications of the required Mass Transit Detection at Range technology is listed in Exhibit A.

2. **Estimated price:**

\$425,828

The price covers the cost of four (4) units of Thruvision TAC, inclusive of shipping, support and maintenance.

3. **Requested source – Include contact name, phone number and other identifying data.**

Thruvision TAC
21660 Red Rum Drive
Ashburn, VA 20147

Contact person: Kevin Gramer, VP Americas
Tel No: 540-878-4844
Email: kevin.gramer@thruvision.com

4. Statutory authority permitting other than full and open competition:

B. For purchase of services, use one of the following (check the appropriate citation):

- ☒ The services are available only from a single source based on a unique capability or availability. The property or services are available from one source if one of the conditions described below is present: IDENTIFY WHICH APPLIES AND PROVIDE AN EXPLANATION – PROVIDE FACTUAL SUBSTANTIATION
- a. Unique or Innovative Concept. The offeror demonstrates a unique or innovative concept or capability not available from another source. Unique or innovative concept means a new, novel, or changed concept, approach, or method that is the product of original thinking, the details of which are kept confidential or are patented or copyrighted, and is available to Metro only from one source and has not in the past been available to the Metro from another source.

Metro has determined that the screening of passengers on commuter rail systems has to adjust to the tactics, techniques and procedures of persons and groups that are intent on killing civilians and paralyzing ground transportation. Air, rail and bus transportation areas have been recently targeted by terrorists carrying concealed explosive devices with the intent of doing as much damage as possible to the patrons and surface transit facilities such as train and bus stations.

The Transportation Security Administration (TSA) is the lead federal agency in charge of securing the nation's transportation systems, which include air and surface transportation. TSA determined to use all methods available to protect the public and the US transportation system by investing in new technology to scan passengers for person-borne explosive devices (PBIED). The only screening methods employed up to this point are bomb-detecting dogs.

TSA invited selected manufacturers that produce PBIED technology to participate in a controlled testing environment. At its Raytheon laboratories, TSA conducted thousands of double blind runs against the TSA established PBIED threat library. Advanced security screening technologies were also tested at several National Security Special Events such as the Super Bowl, the 2015 Pope Francis visit to the US and the 2016 Democratic National Convention. Of all the devices evaluated by the TSA at its laboratories, only the Thruvision TAC and the SPO-NX were chosen for deployment at National Security Special Events.

Thruvision TAC is a safe and non-intrusive people-screening security device that provides standoff detection of concealed threat items. It can be mounted on a fixed stand with operator laptop or ceiling mounted. The Thruvision TAC can only be used in a location where the public is in a channeled area, such as coming down an escalator at a landing. The SPO-NX is on a tripod, and has a maneuverable detector that the operator can scan persons in a 140 degree arc in front of the machine. SPO-NX is also a stand-off threat detection system that is completely portable and can run off batteries.

In March 2018, Metro teamed up with TSA to test both the Thruvision TAC and SPO-NX devices on the Metro system to detect person-borne explosive devices (PBIED). Metro was pleased with the results of the test and the ease of use of both sets of equipment. The Thruvision TAC was found to be best suited for screening people channeled through "pop-up" screening checkpoints or similar channeled areas such as patrons coming down an escalator landing. The SPO-NX on the other hand was determined to be more suitable for scanning crowds at entrances of rail/bus stations or similar venues.

After a successful rigorous testing and screening of the Thruvision TAC and the SPO-NX devices, TSA is assured that these new security technologies will be effective in the PBIED screening of Metro rail commuters. TSA, as the Nation's executive agent in protecting the public, recommends the use of the Thruvision TAC and Metro is confident that no other security screening technology can effectively scan individuals entering the Metro system.

ADDITIONAL SUPPORTING INFORMATION

5. Other factors that demonstrate the proposed contractor's unique qualifications or how the unique nature of the acquisition requires use of the authority cited:

TSA and Raytheon testing has confirmed that the Thruvision TAC is unique because there is no other terahertz technology in the market that can effectively scan for PBIED concealed under clothing. TSA has tested this equipment thoroughly at the Raytheon laboratories and recommends the use of this technology by all transportation agencies in the US. Metro likewise tested this equipment with Metro operators in March 2018 and the users cannot have a higher endorsement than that to utilize these devices.

6. Other facts supporting the use of other than full and open competition:

Per attached letter, TSA recommends the use of the Thruvision TAC by transportation agencies to protect the public.

7. Sources, if any that expressed an interest in acquisition: (If any source(s) other than the proposed source expressed such interest, set forth the reasons why it or they were found not capable of satisfying the Agency's requirement.)

Only TSA approved and recommended technologies were considered for this acquisition because of the stringent oversight that TSA has imposed on the companies who have produced this technology. TSA did test other security screening technologies, but they were not recommended for use with the mass transit end-users. TSA has also briefed the US Congress on the benefits of this technology and the potential it has in identifying PBIED.

8. Describe any cost savings realized or costs avoided by acquiring the goods/services from this supplier.

Requisition # 27626

The use of Thruvision TSA will save Metro on costs for maintenance and support of bomb detecting dogs and increase efficiency and effectiveness in sweeping train stations for person-borne explosive devices. This device will give Metro the flexibility to deploy the technology at any Metro rail/bus facility and screen passengers for extended periods of time.

Metro currently uses police K-9 assets to check for person-borne explosive devices. This screening method is very expensive and man-power intensive. Police dogs are purchased from breeders and have to go through extensive training to be certified as a bomb-detecting dog. Police dogs work closely with a trained police handler. Both dog and handler need annual re-certification for their specific specialty and have limited working hours. When a canine is on break, other canines are deployed to replace that dog. Further, Metro has access to only a limited number of police dogs.

8. Describe the actions the agency may take to remove or overcome any barriers to competition before any subsequent acquisition for the supplies or services are taken:

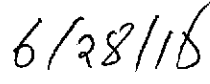
In anticipation of future acquisition of similar devices , Metro staff will coordinate with TSA to expand its vendor pool of recommended and tested Mass Transit Security devices for screening person-borne explosive devices in densely populated facilities such as railway and bus stations.

Determination & Finding:

Strategic Business Unit Chief: I certify that the supporting data presented in this justification are accurate and complete.



Alex Wiggins, Chief, Systems Security and Law Enforcement



(Date)

Contracting Officer [Manager level or above]: I hereby find that the justification above supports an exception to the requirements for competitive procurement and determine that a contract may be awarded on the basis cited above provided that all other provisions of MTA Acquisition Policy are complied with and the price is determined to be fair and reasonable.

Vimol Katkaphan, Deputy Executive Officer

(Date)